

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

THE STATE OF TEXAS,

Plaintiff,

vs.

Docket No. SA-12-CV-1038-FB

FOUR MILLION TWO HUNDRED

San Antonio, Texas

TWENTY-SIX THOUSAND

November 19, 2012

THIRTY-FIVE DOLLARS AND

FIFTY-SEVEN CENTS

(\$4,226,035.57) UNITED

STATES CURRENCY; ONE (1)

2013 MERCEDES-BENZ S550, VIN)

WDDDN7DB0DA492458; ONE (1)

2008 CADILLAC ESCALADE, VIN)

3GYFK62878G167290; and

CERTAIN PROPERTY,

Defendants.

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE

TRANSCRIPT ORDERED BY: Rolando Rios, Esquire

A P P E A R A N C E S:

FOR THE PLAINTIFF:

BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE

By: Sue Ann Gregory, Esquire

By: Dawn Marie McCraw, Esquire

By: Troy Meinke, Esquire

By: Stephen P. Ballantyne, Jr., Esquire

300 Dolorosa, Suite 4049

San Antonio, TX 78205

FOR THE DEFENDANTS:

LAW OFFICES OF ROLANDO L. RIOS

By: Rolando L. Rios, Esquire

115 E. Travis Street, Suite 1645

San Antonio, TX 78205

Chris Poage, RMR, CRR
United States Court Reporter

1 Gregory from the Bexar County District Attorney's office. I'm
2 lead counsel on both cases; however, I'll be splitting part of
3 my duties with my --

4 THE COURT: Don't spit at me.

5 MS. GREGORY: I won't. I'll try not to, Judge.
6 These braces make it hard sometimes. I apologize in advance.
7 With me, my colleague, Dawn McCraw, who's the chief of our
8 asset forfeiture section. Patrick Ballantyne, who is the
9 criminal attorney signed to our white collar crime --

10 THE COURT: I'm sorry. The last name? Patrick --

11 MS. GREGORY: Ballantyne.

12 THE COURT: Ballantyne. Okay. All right. That's a
13 brand of scotch. I'm sure that's never touched your lips, Ms.
14 Gregory.

15 MS. GREGORY: Absolutely maybe.

16 THE COURT: All right. Go ahead.

17 MS. GREGORY: And also with me is Mr. Troy Meinke who
18 is the asset forfeiture attorney who was the filing attorney in
19 the state asset forfeiture case.

20 THE COURT: Okay. All right. And this gentleman?

21 MR. WYATT: Yeah. Your Honor, my name is Keith ~~W~~
22 Wyatt. I'm an assistant United States Attorney with the
23 Southern District of Texas in Houston.

24 THE COURT: Wyatt?

25 MR. WYATT: Wyatt, W-Y-A-T-T.

Chris Poage, RMR, CRR
United States Court Reporter

1 THE COURT: Okay.

2 MR. WYATT: And I represent Special Agent Jennifer ~~*~~
3 Sanchez of the DEA in the constitutional tort case.

4 THE COURT: Okay. And she has been named as a
5 defendant in 1038; is that right? Or no, I'm sorry, 1018.
6 1018. Okay. I got it. This is only two of 450 other cases.
7 So I'm going to have to learn as we go along. And I'll tell
8 you about my lawyers here in a moment and what they've briefed
9 me on.

10 All right. Are there any other -- Ms. Gregory, any
11 other announcements for -- on either case?

12 MS. GREGORY: Also with us is, from the state
13 Attorney General's office, Lieutenant Rudy Villarreal.

14 THE COURT: Okay. Very well.

15 MS. GREGORY: He is the supervisor for Sergeant
16 Marcos in the 1018 case. I don't believe the Attorney General
17 was aware that we were going to be taking proceedings in the
18 1018 case. I spoke with him, and they did not intend to be
19 here today on the 1038 case.

20 THE COURT: Okay. Well, I'm not sure what all we're
21 going to do, but at least this is the first opportunity for us
22 to get together. These things tend to take a long time. And
23 as of now, it's civil. And, of course, we have to give
24 precedence to the criminal cases. And I am booked solid
25 through next May on criminal trials, unless they should fall